

LIVONIA JOINT PLANNING BOARD

November 25th, 2024

Present: Chairman R. Bennett, D. Andersen, A. Baranes, J. Brown, R. Haak, J. Palmer, K. Strauss, CEO Adam Backus Zoning Compliance Assistant J. Holtje.

Excused: Attorney J. Campbell

Agenda:

- 1) *Accept and approve the meeting minutes – October 28th, 2024.*
- 2) *Daryl Johnston – 3191 Rochester Road, Livonia, New York –
Tax # 65.-1-9
Site Plan/approval of modification to existing C.U.P.*
- 3) *Karen Godfrey/Marjorie Benson – 3485 Bronson Hill Road, Livonia, New York
Tax # 65.-1-63.2
Subdivision.*
- 4) *Brian Teachout – 5820 Big Tree Road, Livonia, New York
Tax # 65.63-1-29
Site Plan.*
- 5) *Stone Creek Estates/Andrew Viera – West Avenue, Livonia, New York –
Tax # 74.12-1-17.752
Subdivision.*
- 6) *Creekside Clearing/Pathstone – 101-1400 Turtle Rock Road, Livonia, New York
Tax # 65.-1-79.32
Site Plan.*

Chairman Rick Bennett opened the meeting at 7:00 p.m.

- 1) Approve Meeting Minutes from October 28th, 2024. Chairman Rick Bennett asked for a motion to approve. M/2/C (J. Palmer/K. Strauss) Carried 7-0.

2) *Daryl Johnston – 3191 Rochester Road, Livonia, New York*

Chairman Rick Bennett asked Daryl Johnston to come forward for the proposed modifications to the existing Site Plan and Conditional Use Permit and stated the following:

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

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Chairman Rick Bennett reviewed the letter from the ZBA approving the variance for a rear setback of 19.5' on the proposed 30'x52' garage with a 9'x52' lean-to with the condition that all of the sheds and truck boxes are to be removed.

Chairman Rick Bennett and the Board reviewed the Conditional Use Permit criteria:

1. Original CUP & Site Plan granted by the Planning Board on January 23, 2012 and this application is not a significant change except for the quantity of vehicles.
5. This modified approval will impose additional standards to bring the site plan and CUP into compliance.
6. discussion of fences and buffers, conditions will apply as necessary

Board discussion:

- J. Brown: Electric vehicles storage and battery combustion. D. Johnston: to tow an electric vehicle you must have a roll-off. They can re-ignite for 72 hours, so you keep it on the roll-off. After meeting with Fire Chiefs, he has a roll-off company that assists him.

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. Small impacts are mitigated through site plan and CUP conditions. Discussion about gas and oil leaks. D. Johnston replied that by the time the cars get to his site, most of the gas and oil has already been spilt. A Negative Determination of Significance was determined. Motion to accept a negative declaration: M/2/C (R. Haak/J. Palmer) Carried 7-0.

Chairman Rick Bennett asked for a motion to approve the Site Plan and modification to the existing Conditional Use Permit application as submitted with the following conditions.

- The rear setback of 19.5' as approved by the Zoning Board of Appeals.
- The site is required to be cleaned up and maintained to the site plan and CUP conditions
- Storage space for 33 total vehicles, with an additional 2 spaces at the front of the lot to allow 2 cars to be placed for sale. The cars for sale shall have a minimum front setback of 20' to the highway line.
- No outdoor storage of anything other than vehicles. A tractor and backhoe (necessary to maintain the site and not included in the 33 total vehicles) may remain outside.
- Removal of all accessory structures (truck boxes, and sheds).
- North and west sides of the property are currently fenced. Along the driveway is to be fenced. Additional fencing to be added per site plan and existing 6' wood stockade fences are to be maintained and in good repair. Fences are to be completed by November 2025. Additional consideration to be given to north neighboring property and D. Johnston will communicate with the property owner regarding any additional buffering necessary for that business.
- The site is not to be a junkyard.

The building, site plan and CUP are being approved in order to clean up the site and eliminate current junkyard-like conditions. Motion to approve: M/2/C (J. Brown/D. Andersen) Carried 7-0

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3) *Karen Godfrey – 3485 Bronson Hill Road, Livonia, New York*

Chairman Rick Bennett asked Karen Godfrey to come forward for the proposed Subdivision and noted that this Subdivision application was not referred to the Livingston County Planning Board for review, as this is a minor subdivision and meets exemption criteria under the Town's current contract. No new roadways or new services will be created.

Chairman R. Bennett: originally this application came before the Board as a 4-lot subdivision and included driveway/access issues. Now it is being divided into 2 lots with no development proposed, as each lot has an existing dwelling. Both lots will continue to use the one access.

Chairman Rick Bennett asked for a motion to waive the Public Hearing. Motion to waive: M/2/C (J. Palmer/R. Haak) Carried 7-0

Chairman Rick Bennett and the Board reviewed the Short Environmental Assessment Form. No moderate to large impacts were identified. A Negative Determination of Significance was determined. Motion to accept a negative declaration: M/2/C (R. Haak/J. Brown) Carried 7-0.

Chairman Rick Bennett asked for a motion to approve the Subdivision application. Motion to approve the Marjorie Jean Subdivision last revised 8/6/24 with the condition that an ingress-egress easement from Lot A to Lot B be added/labeled on the final subdivision map: M/2/C (J. Palmer/K. Strauss) Carried 7-0

4) *Brian Teachout – 5820 Big Tree Road, Livonia, New York*

Chairman Rick Bennett asked Brian Teachout to come forward for a sketch plan review of the Site Plan and stated that when this application is complete, it will be required to be submitted to the County Planning Department for review before any action may be taken by the Board. This is a conceptual meeting.

B. Teachout introduced his family, Rose and Nicholas and explained that they are working in a joint venture the neighbor Andrew Vieira who owns the Ice Cream Shop. They have taken the concept before the Town Board and they were unanimously in favor of the concept. Coming before the Planning Board is the next step. Brian walked the Board through the site plan:

- Pavilion and green space with area for food trucks
- Additional parking for the ice cream shop
- An entrance for access from Vitale Park
- Drainage improvements will be worked on with the Town to help solve the existing problems in this area.
- This space will be available for events that are not allowed in the park, like corn hole tournaments, fund raisers, events like art shows.
- Their goal is to add to the community and amenities available to people in the area and compliment the park.
- Important focus for them is on pedestrian paths, traffic safety, and connectivity.
- B. Teachout expressed gratitude for the assistance they received from the B&Z Dept.

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- A. Backus: Town Board had a policy of not allowing private business activities in the Town Park. The Town Board has acknowledged that this project would be an asset to the community and also helps by resolving some stormwater issues. The Board also felt this use compliments the park, while not mixing public and private interest on park property. The Teachout's and Vieira's are community minded and generous people who were both looking to serve the community. Our department facilitated in connecting the two with each other and the Town Board by listening and giving advice. We are not in the business of development.
- B. Teachout: looking for feedback on going to the next step. They are appreciative of the Building & Zoning Department's facilitation to make the project come together the way it has.

Discussion:

- R. Haak- access on Lakeville Park?
 - Access will be gated for food trucks only. The occupants of Lakeville Park will not be burdened by excessive traffic.
- R. Bennett- Concern about the narrow two-way entrance between the dentist and the ice cream shop.
 - B. Teachout- the entrance/exit is existing now and what we are starting to witness is more people choosing to come to the ice cream shop through the park
- Stormwater discussion and potential remedy by getting the water to the Outlet
- Lighting, buffering and crosswalks

With no further discussion, Chairman Rick Bennett encouraged the Teachout's to proceed with the Site Plan approval process.

5) Stone Creek Estates/Andrew Viera – West Avenue, Livonia, New York

Chairman Rick Bennett noted that this application is postponed until the next Planning Board meeting agenda.

6) Creekside Clearing/Pathstone – 101-1400 Turtle Rock Road, Livonia, New York

Chairman Rick Bennett asked Pathstone Development to come forward to continue the Sketch Plan discussion for the 16 new units at 101-1400 Turtle Rock Road. The application was submitted to the Livingston County Planning Board for their review at their December 12, 2024 meeting. The Planning Board will schedule a public hearing for the next meeting.

Jason Sackett, from Pathstone Development showed an optimized concept of the site. They appreciated the feedback from the Board at the last meeting.

Jake from Marathon Engineering showed the updated layout of the site and reviewed the changes. The parking setbacks were brought into conformance with the new building moved closer to the road. Stormwater is now underground and will be go through the bioretention area before it goes underneath the pavement to the underground storage area. The entrance road utilizes the existing stub road, but in the future when the road is developed, they will flip the

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location to access the facility at the far side of the property. Crosswalks have been added for safety. The basketball court is larger with an adjustable rim for all ages to play.

Discussion:

- R. Haak- CPL comments regarding signage and crosswalks
- J. Brown- would like speed bumps. The Board decided they were not necessary.
- Traffic study comment from CPL determined not to be applicable at this time
- J. Palmer- visitor parking and handicap parking spacing throughout the development
- The next available meetings dates are December 23, 2024 and January 13, 2025.
- Rendering shown

With no further discussion, Chairman Rick Bennett asked for a Motion to adjourn the meeting at 8:23 p.m. Motion to adjourn: M/2/C (J. Palmer/J. Brown) Carried 7-0

Respectfully Submitted,
Julie Holtje, Zoning Compliance Assistant